

Putting it All Together: The Complete Process



**Council Member
Orientation**

10/23-10/25

Washington, D.C

The Road to Fishery Management

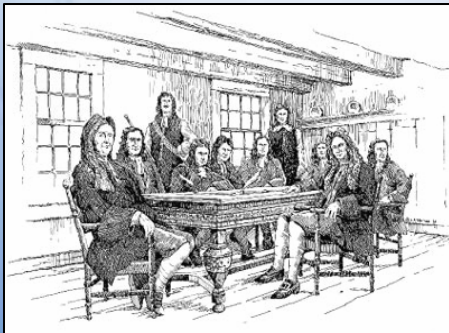
- ◆ Mission and Process Review
- ◆ Added Complexities
 - ◆ Multiple Mandates
 - ◆ Multiple Parties
- ◆ Planning a Timeline



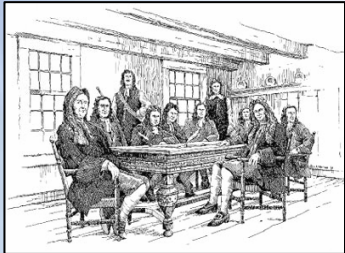
Mission: Fishery Management



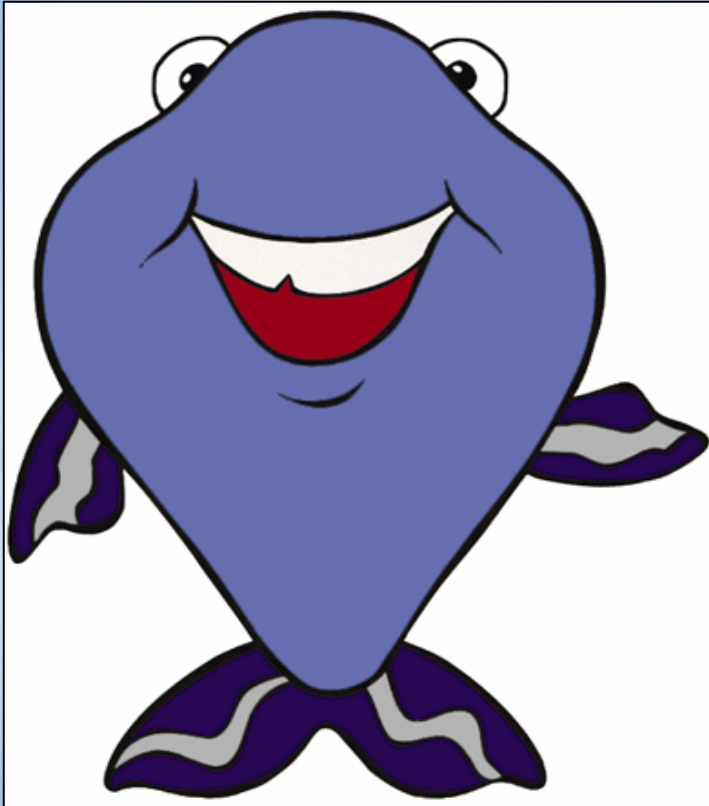
Process: What is Missing?



FMP Process



Fishery Management Plans



Must be Consistent with:

- National Standards
- FMP Components
(Mandatory and discretionary)
- Other Applicable Law

O.A.L. Mandates

NEPA

- Consider Reasonable Alternatives
- EIS: analysis, public review, 45/90/30 days
- FONSI: record-based determination

ESA

- “No jeopardy” record-based determination
- Timing: consultation = 135 days

RFA

- Consider Economic Impacts and alternatives
- Certification: record-based determination

EO 12866

- Alternatives, Cost-benefit analysis

APA

- Record shows compliance with all law;
- Notice and Comment; 30-day delay

Others

CZMA, PRA, treaty rights, etc.

Balancing Multiple Mandates



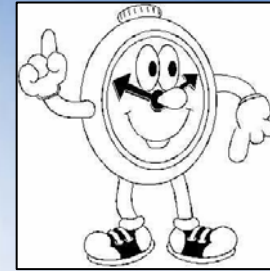
- *Many
Timelines*

- *Many
Parties*



Overview of Timeline Interactions

Statutory and Regulatory
Timelines



Logical Interactions



Clearance Requirements

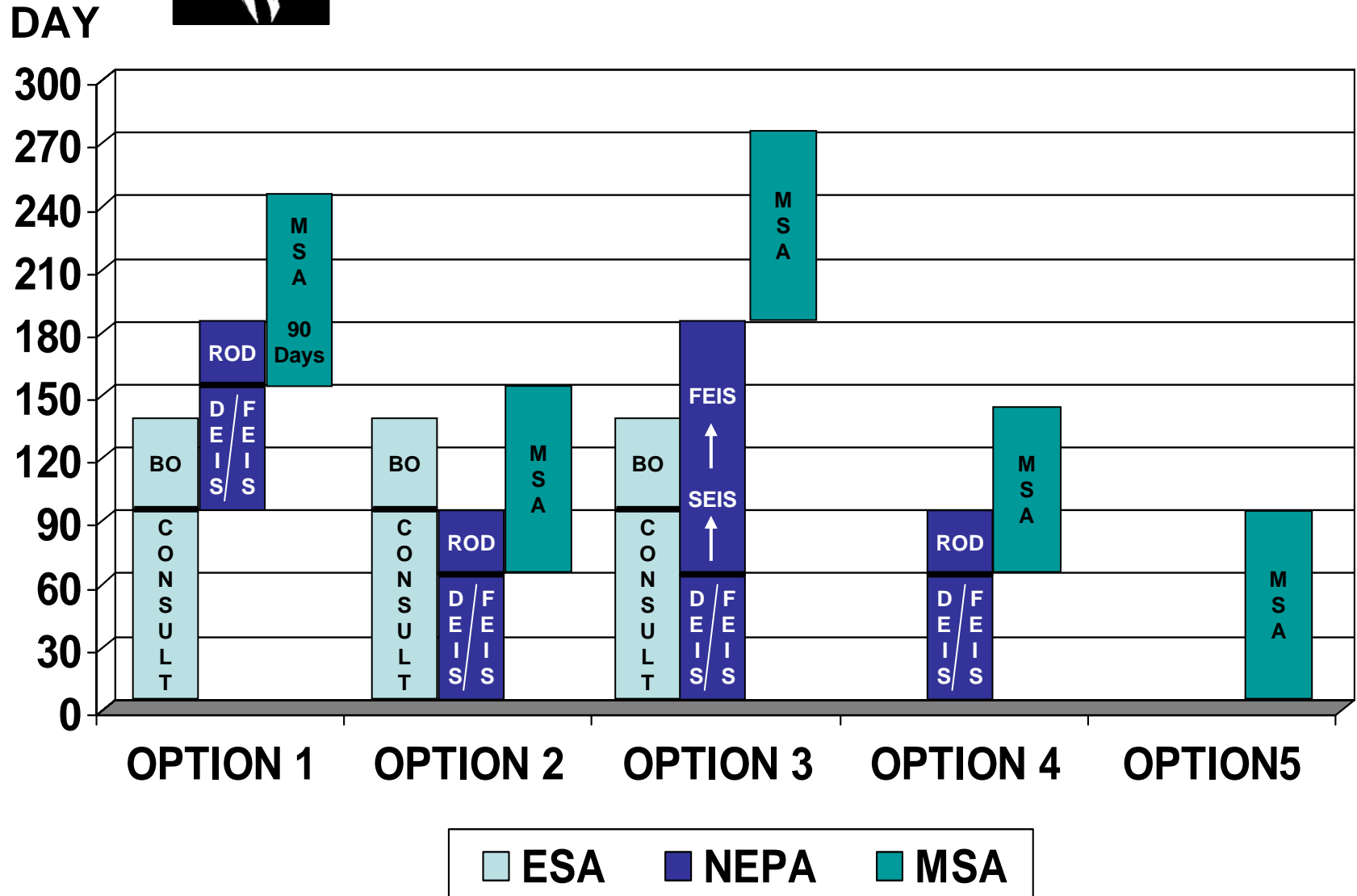


Statutory and Regulatory Timelines

Source	Start Date	Requirement
MSA (FMP)	Transmittal	Day 5, Publish NOA for 60 days comment; Day 65, CPE; Day 95, Decision Day
MSA (Regs)	Transmittal	Day 5, begin 15 day review; Day 20, publish Pro.Rule for 15-60 days comment; Publish Fin. Rule w/30 days CPE
NEPA	EPA publish DEIS	Minimum 45 days comment, Minimum 90 days before ROD
ESA	I.D. preferred action	Minimum 90 days to consult + 45 to write B.O. (135 days)
CZMA	Consistency Determ. to State	Day 60 – Infer concurrence if no state response Day 90 – earliest possible decision day
APA	Publish Final Rule	30 day delay in effectiveness (unless waived)
EO 12866	Submission of Reg. Text to OMB	90 day OMB review period



Logical Interactions



Clearance Requirements



**Councils
and
NOAA
Fisheries**



**NOAA GC
DOC/GC**



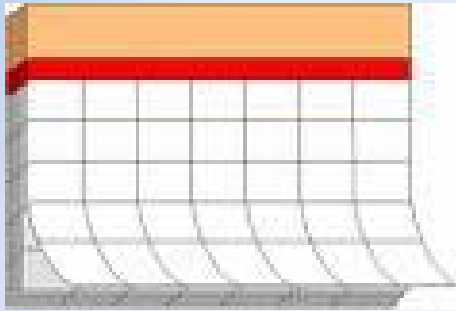
Other Agencies



**External Forces: States,
Congress, OMB**



Planning Considerations

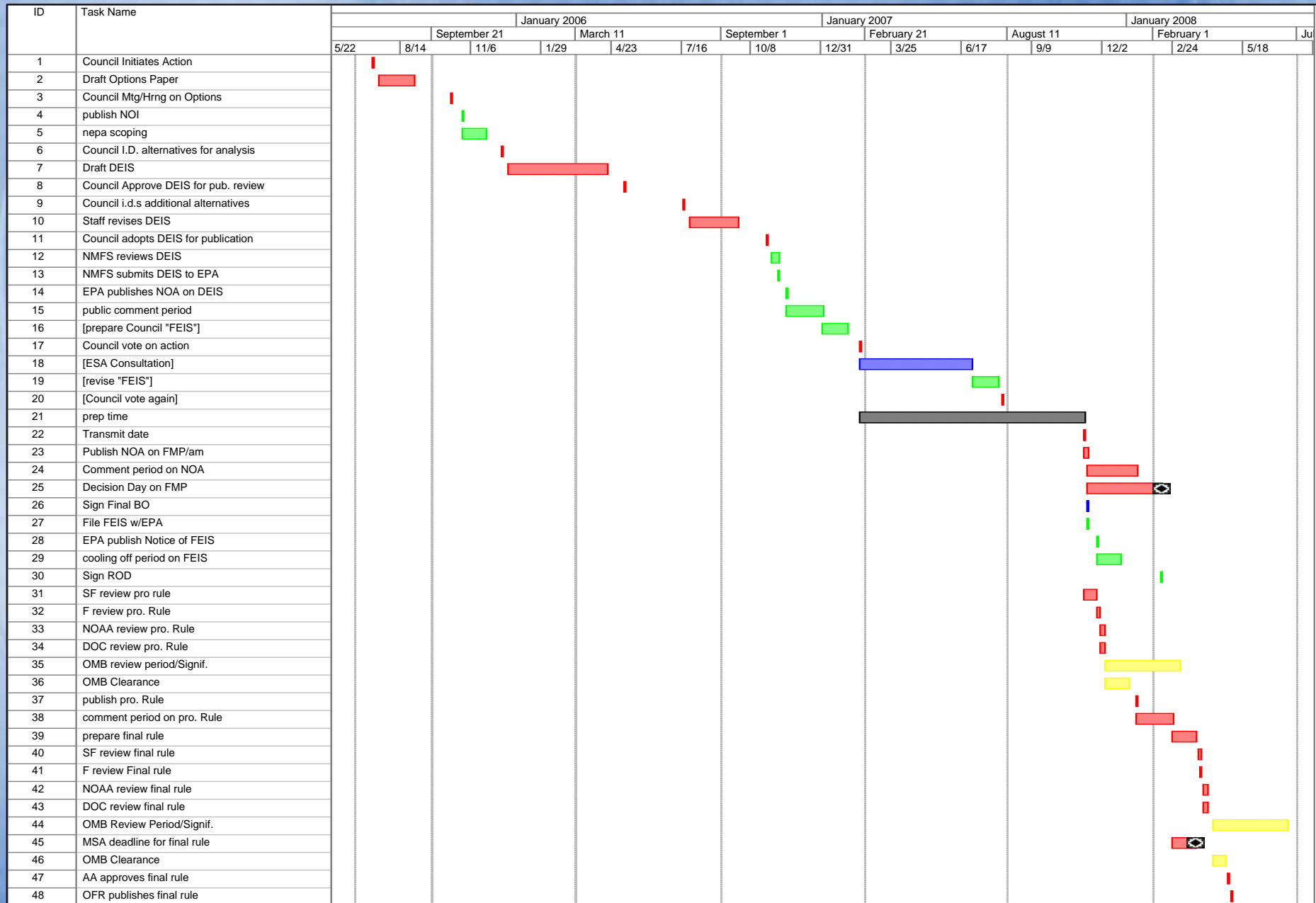


- Council meeting schedule
- Management Need
- MSA and O.A.L.s
- Deadlines and drivers
- Logistics
- Staff Resources
- Other agency review needs

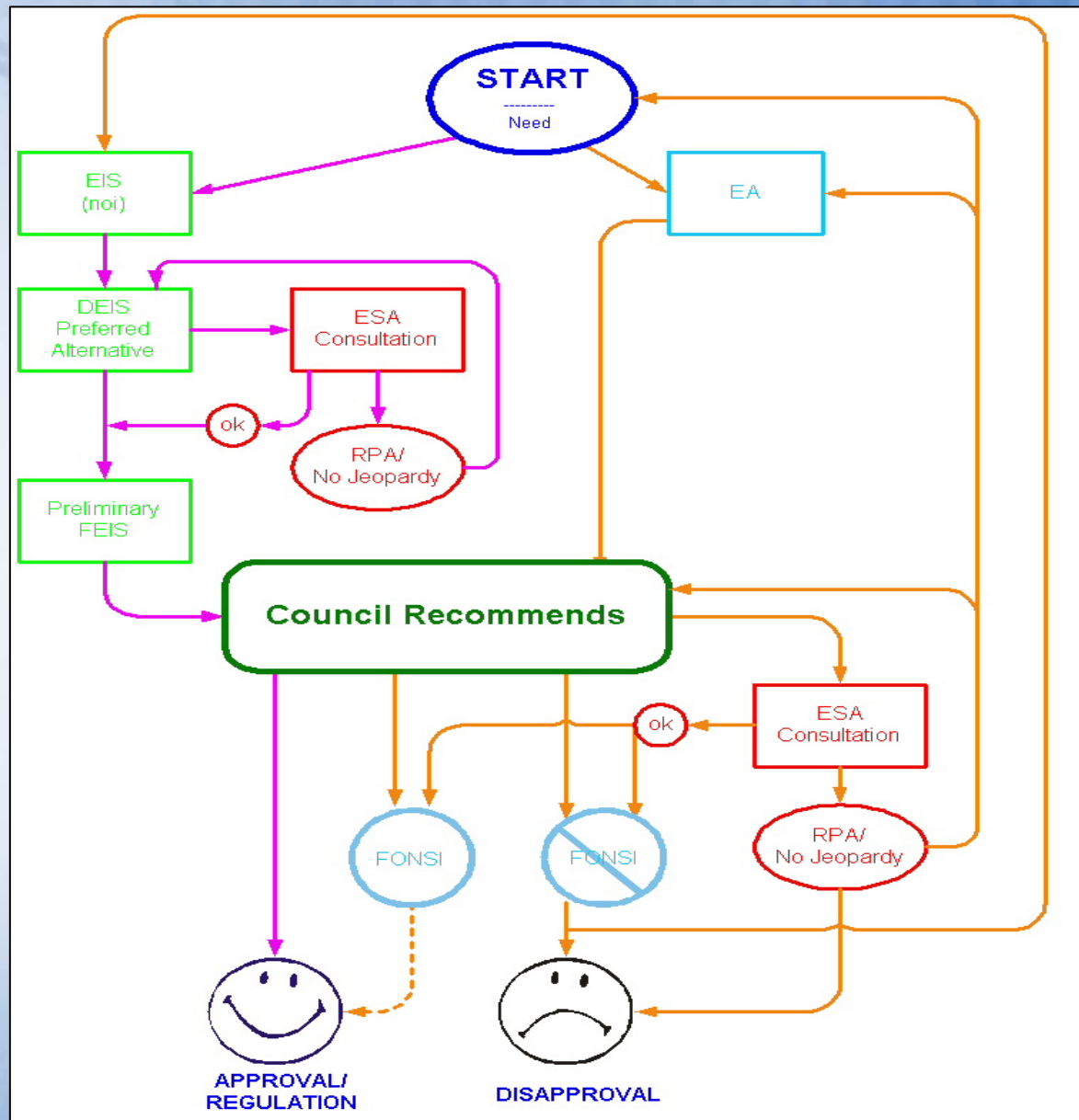
Hypothetical Fishery Management Regulation with EA

ID	Task Name	Timeline												
		January 2005						August 2005						March
		November 1			February 11			May 21		September 1			December 11	
		8/29	10/17	12/5	1/23	3/13	5/1	6/19	8/7	9/25	11/13	1/1	2/19	
1	ESA consultation													
2	Council Initiate Action													
3	Council Options Paper/Draft EA													
4	Publish Action on Agenda													
5	Council approve draft EA for pub.review													
6	Public Hearing													
7	Council Vote on Action													
8	Prep work													
9	Transmittal													
10	SF reviews													
11	F reviews													
12	NOAA Reviews													
13	DOC reviews													
14	OMB Review Period													
15	MSA deadline to publish Pro. Rule													
16	OMB Clearance													
17	Publish Pro. Rule													
18	Comment period													
19	Prepare Final Rule													
20	RA approves Final Rule													
21	SF reviews													
22	F reviews													
23	AA sign FONSI													
24	NOAA reviews													
25	DOC reviews													
26	OMB review Period													
27	MSA deadline to pub. Fin.Rule													
28	OMB Clearance													
29	AA sign Final Rule													
30	Pub. Fin. Rule													

Hypothetical Fishery Management Regulation with EIS



Frontloading



Re-Cap: Planning for Success

- We have to look beyond the MSA
- Successful fishery management requires planning and balancing



Planning Your Action

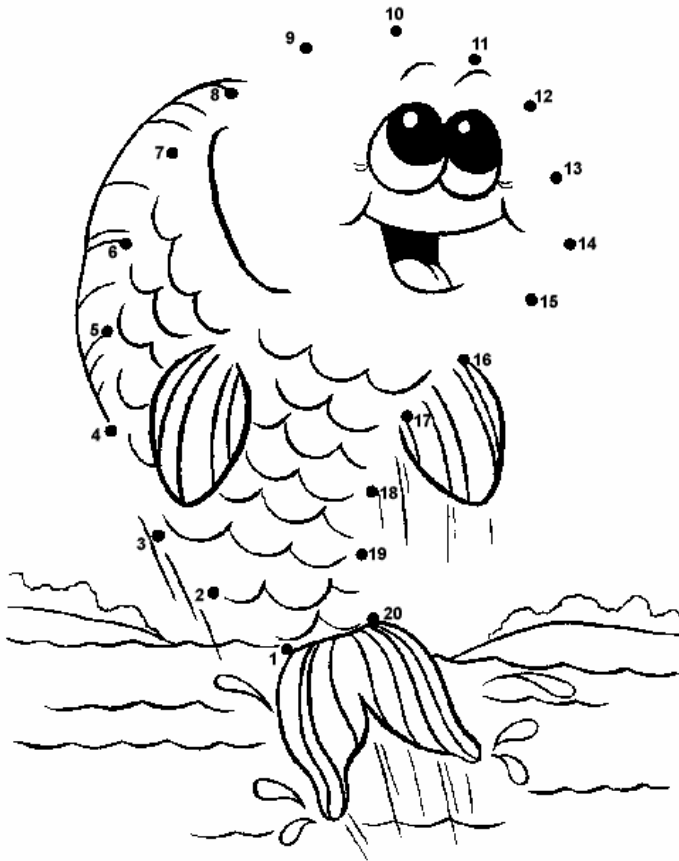
Many Parties



Many Timelines

Many Mandates

Connecting the Dots



Part I

- Write down top 5 things you have learned
- 3 minutes

Part II

- Discuss with all
- 10 minutes